

LITTLE BLUE BOOK NO. 1257
Edited by E. Haldeman-Julius

How to Become a United States Citizen

George Milburn

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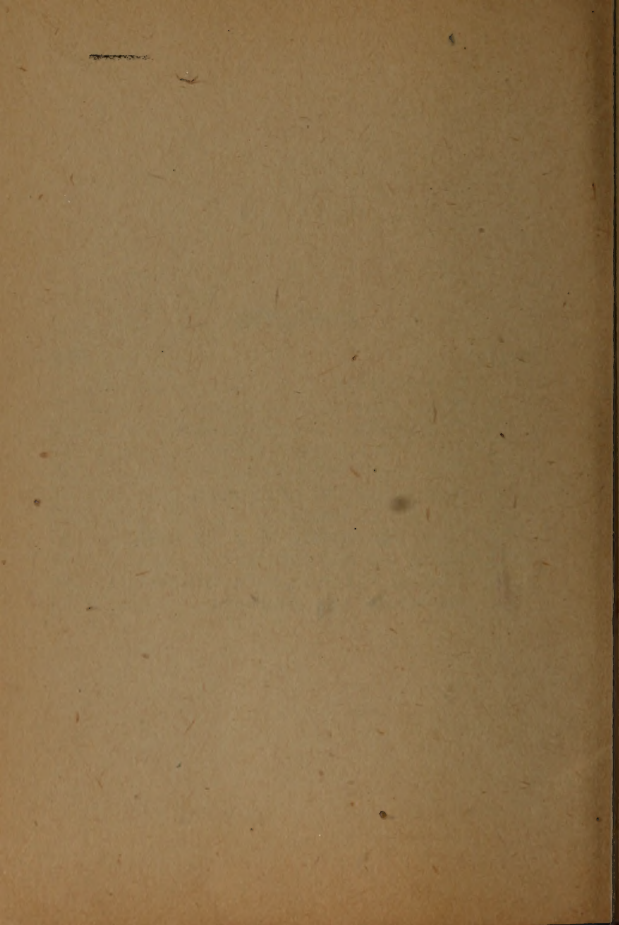
**HALDEMAN-JULIUS PUBLICATIONS
GIRARD, KANSAS**

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PRINTED IN THE UNITED STATES OF AMERICA

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INTRODUCTION

Naturalization is that process through which one may acquire American citizenship. It is the only way, unless one is born within the United States, or unless as a minor child one's parents have become citizens of this country. In the latter two cases citizenship is conferred automatically when one reaches a legal age.

Every nation provides for this changing of one's nationality with its own rules and regulations. Those of the United States are few and simple. In a few words, those persons eligible for naturalization in this country are "white persons" and "aliens of African nativity" and "persons of African descent," who are 21 years of age or over and who have resided in the United States for a period of five consecutive years. With a small number of exceptions, discussed fully in this Little Blue Book, there are but three steps which the applicant must take:

(1) He is required to declare that it is his intention to become a United States citizen. This first step is known familiarly as taking out "first papers," and it may be made at any time after the applicant has taken up a permanent residence in this country. Such a declaration of intention is made before the clerk of any court, located in the district where the applicant lives, which has the power to naturalize aliens. Not until the applicant is at least 18 years of age may "first papers" be applied for.

(2) After having resided in the United States for at least five years, and in that period (if not before) having learned to speak the English language and having become familiar with American history and government, the applicant must file with the clerk of the court a petition asking that he be admitted a citizen of the United States. This petition must be filed not less than two years and not more than seven years after the original declaration of intention has been made.

(3) The last step is that of the final hearing. With two witnesses the applicant will be required to appear in open court where he will be examined, take the oath of allegiance and be granted a certificate of citizenship. At least 90 days must elapse between the time that the petition for naturalization was filed and the date set for the final hearing.

In this booklet, each of these three steps is taken up in detail. In addition a number of other matters relative to naturalization are discussed. The law and regulations treated are the most recent, those of July, 1926, and the explanations which follow are in complete accordance with them.

The United States Constitution and the Declaration of Independence (Little Blue Book No. 687) and *Lives of the U. S. Presidents* (Little Blue Book No. 1065) should be used in connection with this book.

G. M.

HOW TO BECOME A UNITED STATES CITIZEN

CHAPTER I FIRST PAPERS

Known familiarly as the taking out of "first papers," the first step toward naturalization is that of filing a declaration stating that it is the declarant's intention to become a citizen of the United States.

1. *Who May Make the Declaration of Intention:*

First papers may be taken out by any alien who is 18 years of age or above. Such declaration of intention may be made at any time after the alien has arrived in the United States. The age restrictions are the same for men and women. While the alien cannot be granted citizenship until he has resided continuously in this country for at least five years, he need not wait to file his declaration of intention. As soon as he can show that he is living in the district in which the application is filed, he can receive his first papers. Any aliens who do not belong to the white race and who are not of African nativity or descent are excepted from these statements.

2. *Declarant May Be Illiterate:*

It is not necessary for the alien to know

English when he applies for his first papers. It is not even required that he know how to read or write. While he is expected to sign his declaration of intention, if he cannot sign his name he may make a cross mark for his signature. This, however, applies only to the first step in naturalization. Before the declarant can become a citizen he must not only know how to write his own name, but he must know how to speak English. How well the applicant must speak English before he may be admitted a citizen is a matter on which the judge of the naturalization court in which his petition for citizenship has been filed decides. Some judges are lenient on this score, but in other courts aliens are not only required to speak English but they are also required to read English of average difficulty before they can become citizens.

3. *How the Declaration of Intention Is Made:*

The alien who wishes to take out his first papers should first procure the blank form for this purpose. This is called "Facts for Declaration of Intention" (Form 2213), and it may be obtained from the clerk of any court having the power to grant citizenship. The form is also provided by various welfare organizations and by the principals of schools which aliens attend. There is no charge for it. Fill in all the blank spaces on this form. This should be done accurately. If the applicant does not understand well, he should go to some welfare organization or to his English teacher for help.

These people will not make any charge for their assistance.

4. *Where the Declaration of Intention Is Made:*

When the blank form has been properly filled out, the applicant must present it to the clerk of the naturalization court. The same persons who assisted in filling out the blank should be able to direct him to this court. If not, the local postmaster can tell him where it is. Care should be taken to file this declaration of intention in a court which is located in the alien's home district. Otherwise, if the applicant should file in a district where he does not reside, his first papers are invalid, and when the time comes for him to petition for naturalization, his petition will be denied on this account. In such a case it will be necessary for him to take out first papers for a second time and make a new start. Three copies of the declaration of intention are made by the clerk of the court. Two of these are kept for official record; the third is given to the applicant. The clerk of the court will ask the alien to sign and swear to the declaration of intention.

5. *What the Declaration of Intention Is:*

In the declaration of intention the alien makes a sworn statement that he intends to become a United States citizen, that he intends to live permanently in this country, and that he is willing to renounce forever all allegiance to any foreign country, particularly that country of which he is a subject or a citizen. Also the declaration of intention must contain numerous

descriptive particulars about the alien: his name, his age, occupation, personal description, place of birth, the name of the ship (if he came by ship) in which he came to the United States, and his present place of residence. The applicant fills in these facts on the form described in Section 3 of this chapter (Form 2213), and from the filled-in form the clerk of the court copies them for the declaration of intention. For this reason the alien must exercise care that no false or incorrect statements are made when the form is filled out. In such a case these statements will be copied on the declaration of intention, thus making it invalid. An invalid declaration of intention cannot be amended; the alien whose "first papers" are declared invalid must make a new start. The declaration of intention is nothing more than the first step in the process of becoming a United States citizen, and does not endow the applicant with American citizenship.

Since certain immigration laws have gone into effect aliens in the United States are divided into two classes: those who arrived in the United States before June 3, 1921, and those who arrived in this country after that date. If the alien entered this country before June 3, 1921, and falls into the first class mentioned, the clerk of the naturalization court will grant his first papers immediately, and without further inquiry. But if the alien arrived in the United States after June 3, 1921, the clerk of the court is likely to hold up his first papers for a sufficient length of time to establish definitely the fact that the alien was legally

admitted to this country for permanent residence. This will be done by examining the records at the port of entry. If it is discovered that the alien was admitted for a visit or for any temporary stay, or if he entered without inspection, first papers will be denied him. In addition to this, if it is found the applicant has violated any immigration law through his stay in this country, he may be deported.

6. *Charges for First Papers:*

The charge made by the clerk of the court for making out and filing the declaration of intention and for the copy given the applicant is one dollar.

7. *The Election Day Provision:*

For a number of years, if a declaration of intention were issued on an election day or within the 30 days preceding any election within the jurisdiction of the court with which the declaration was filed, it was held invalid. However, this provision was repealed by Congress on May 25, 1926, and at present, according to court precedent, any declaration of intention hitherto issued in violation of that provision is held valid.

8. *Renouncing Allegiance:*

As a preceding section has described, in making out the declaration of intention, the clerk of the naturalization court simply copies the information from the "Facts for Declaration of Intention" form which the alien has filled out. Therefore the necessity for accuracy in the in-

formation supplied on this form must be stressed. If a mistake occurs in the preliminary form it will also occur in the declaration of intention, and if it occurs in the declaration of intention, it may be impossible to correct it later on when the mistake is discovered. There are two mistakes which are considered especially serious. Both cause the declaration of intention to become invalid. One of these, that made by the alien who files his declaration in a district in which he does not have his residence, has already been discussed. The other mistake is that of an error in the matter of renouncing allegiance. In his declaration the applicant must state what ruler or what government he is a subject or citizen of, and he must declare his intention to renounce forever all allegiance to that ruler and that government. Before the alien files his declaration of intention, therefore, he must take care that his information about his nationality is correct. In the remapping of Europe after the World War many nationalities were reallocated to new governments, and boundaries were shifted. The alien is asked, not to renounce allegiance to the ruler or government under which he was born necessarily, but particularly to the ruler and government at present having jurisdiction over the place of his origin. For example, an alien born under the rule of the German Empire might now have his birthplace and country of origin under the rule of Czechoslovakia; or one who called himself a Russian before the war might now find himself to be a subject of one of the Baltic States. It is important that the

alien make sure to which country the place of his origin now belongs, and to renounce allegiance to the new government.

9. *Frequent Mistakes:*

The two most serious mistakes in making the declaration of intention have been discussed. Both of these make the first papers null and void, and if they occur it will be necessary for the alien to wait another two years before he can receive his American citizenship.

Several other mistakes in filling out the "Facts for Declaration of Intention" form are frequently made. While none of these invalidates the first papers each tends to cause delays and confusion. With care such mistakes are easily eliminated.

When the blank spaces on the "Facts for Declaration of Intention" form are filled in, the alien should take care that the name he went by before he came to America is written. In event he has changed the spelling of his original name, or if he has taken a new name on coming here, the change should be indicated in the space provided for that purpose on the form. The importance of this lies in the fact that his name must be located on the manifest sheets of the steamship which brought him to this country. This must be done before it can be established that he was legally admitted to the United States. If a name different from the original is given it will be impossible, of course, to discover his name among those of immigrants legally admitted, and the procedure for his becoming a citizen will be delayed.

Care must also be taken that correct information is given concerning his port of departure (the place where he took ship for this country), the name of the ship on which he arrived, and the date of his arrival. All of this data is important for the same reasons described in the above paragraph—it is used to establish the fact that the alien was admitted to this country legally and for permanent residence. If the alien himself is uncertain on any one of the points mentioned, he should verify his information with the aid of his relatives, or his friends, or, better yet, some fellow immigrant who came on the same ship.

10. *Lost or Destroyed Declarations of Intention:*

In event the alien's copy of his declaration of intention should be lost or destroyed, it is possible for him to obtain a duplicate copy. However, he must furnish sufficient proof to the Bureau of Naturalization that his first papers were issued. He must know also the naturalization court which issued the declaration, and the date or the approximate date on which the papers were issued.

To secure a duplicate copy, the applicant should go to the clerk of the naturalization clerk in his district. The clerk will have him sign an affidavit covering the points just mentioned, and will advise the Commissioner of Naturalization at Washington, D. C. As soon as the Commissioner's office authorizes him, the clerk will issue duplicate papers. The

charge for this service varies, but in most courts it is one dollar.

11. *Declarants Are Not Citizens:*

The declaration of intention does not carry with it American citizenship or any of the privileges of citizenship. With the exception of one state—Arkansas—the declarant is not permitted to vote in any state in the Union until he has had his final hearing and has been granted full citizenship. If he wishes to go out of the United States, it is not possible for him to secure an American passport. He must apply to the government of which he was originally a citizen or subject at the time he took out his first papers.

CHAPTER II

THE PETITION FOR NATURALIZATION

The second step in the process of acquiring American citizenship is that of filing a petition for naturalization. While there are special provisions for married women whose husbands are American citizens and for soldiers and sailors who are enlisted in the United States military and naval forces, the procedure described in this chapter is that to be followed by aliens generally, men and women alike. The procedure in the two special cases just mentioned are taken up at length in Chapters V and VI. The following discussion is for aliens to whom neither of those two classifications apply.

1. *Who May File the Petition:*

The alien cannot file a petition for naturalization until he is 21 years of age or over.

2. *When the Petition May Be Filed:*

The alien must meet the following requirements before he may file his petition for naturalization:

- i. He must have resided *continuously* in the United States for at least five years immediately preceding the date on which his petition is filed.
- ii. He must have lived the last year of this

five-year period in the State where he files his petition.

- iii. He must have filed his declaration of intention at least two years before he files his petition for naturalization.
- iv. He must file his petition for naturalization within seven years after he filed his declaration of intention.

For example, an alien may file his declaration of intention (take out first papers) in the third year after his arrival in this country, and yet be able to receive his American citizenship after he has been in the United States for five years. But if he wait until his fourth year of residence in this country before he takes out his first papers, it will be necessary for him to have lived in this country six years before he can become an American citizen. This makes it clear that first papers may be taken out any time within the first three years of American residence, and the whole three years will apply on the required five years of residence; but each year of delay after three years have elapsed will add another to the necessary period—four years, before taking out first papers, six years of residence; five years before taking out first papers, seven years of residence, et cetera.

At least two years must elapse between the date of the declaration of intention and the petition for naturalization. Seven years after the date on which it was filed the declaration of intention becomes null and void. Therefore

the alien must not wait longer than this period to file his petition for naturalization.

3. *How to Petition for Naturalization:*

When the alien can meet the requirements for taking out second papers he should obtain the "Preliminary Form for Petition for Naturalization" (Form 2214). This is to be had from the clerk of the naturalization court or from the naturalization office. It is also supplied by welfare organizations and sometimes by English teachers. No charge is made for the form.

Care and accuracy are important in filling out the form. If the alien has any misgivings about his ability to fill in the form correctly he should secure assistance from a teacher or a welfare worker. Or, occasionally, he may find a naturalization examiner who has the time and patience to help him. The address of the naturalization examiner appears at the top of the first page of the form under the printed index finger. When the "Preliminary Form for Petition for Naturalization" is filled in it must be taken or mailed to the naturalization examiner at the address indicated on the form.

4. *The Certificate of Arrival:*

For applicants who arrived in the United States after June 29, 1906, a certificate of arrival is required. When the naturalization examiner receives the alien's filled in "Preliminary Form for Petition for Naturalization" he

informs the immigration authorities, requesting the alien's certificate of arrival. This is done without bother on the part of the alien.

No certificate of arrival is required for applicants who came to this country before June 29, 1906.

This certificate of arrival furnishes the necessary proof that the applicant was examined by immigration authorities when he arrived in the United States and that he was legally admitted to this country for permanent residence. As a rule several months elapse before the immigration authorities return this certificate to the naturalization examiner. When it is received at the naturalization office, the applicant is notified by mail to appear for a preliminary examination and to be accompanied by two witnesses. The notification will include also the time and place that the hearing will be held.

5. *Failure to Obtain Certificate of Arrival:*

A certificate of arrival is not always easy to get. Sometimes the immigration service finds it impossible to issue one. There are a number of reasons for this. Occasionally an alien enters the country without undergoing the prescribed inspection, and therefore no record is made of his entry. Sometimes a mistake has occurred in the spelling of the alien's name, making it difficult or impossible to find a record of his entry. Or perhaps the alien may find it impossible to recollect the date on which he arrived, or the name of the ship which brought him. The United States Immi-

gration Service makes painstaking efforts to locate the applicant's record, and not until every possible source has been exhausted do they give up the search. If, however, their efforts to locate the alien's record prove futile, they notify the naturalization examiner to that effect. In such a case, the applicant is in a bad situation. Under the present immigration laws and regulations (those of July, 1926) aliens who arrived after June 29, 1906, cannot become citizens until this certificate of arrival, proof of his legal entry to the United States, can be produced. Heretofore the alien was permitted other means of proving his legal entry, and when such proof was furnished the applicant was granted a *nunc pro tunc*—"now for then"—examination. But this practice has been discontinued.*

6. *The Preliminary Hearing:*

The object of the preliminary hearing or examination is to assure the naturalization examiner before the alien appears in court for the final hearing that his papers are in proper order and that he is able to meet the legal and educational requirements of the naturalization law. It is not a court hearing at all. The naturalization examiner will, through questioning the applicant and his witnesses, make certain that requirements mentioned above have been met, and so that, if desirable, the new procedure for court hearing as de-

*Some change will probably be made in this regulation within a short time. For further information see the address under Section 4, Chapter VIII.

scribed in Section 7, Chapter III, may be followed.

7. What the Successful Applicant Must Know:

i. The applicant must be able to speak the English language. With two exceptions, persons who cannot speak English cannot become American citizens. The two exceptions are: Persons who are physically unable to speak, but who can successfully meet the other requirements; and aliens who have made homestead entries upon the public lands of the United States government.

ii. Unless he is physically unable, the applicant must be able to sign his application for naturalization in his own handwriting.

iii. The applicant must have a fundamental knowledge of the form of government of the United States and of the state and city or town in which he lives. Also he must know the essentials of United States history. While such is not the specific requirement of the naturalization law (the law specifies that the applicant "must be attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the same"), the courts and naturalization examiners generally interpret the law as including that requirement by implication. It is argued that, without some knowledge of the United States government and history, the applicant cannot be so attached to the principles of the Constitution.

iv. Usually the three educational require-

ments just named are the only ones which the naturalization court will expect the applicant to meet. In some courts, however, the examination is more severe, and the applicant is required to have a reading knowledge of English before he can become a citizen. As a rule such courts are encountered only in those states which will not permit a citizen to vote unless he can read English. The applicant should inquire at the place where he petitions for naturalization as to the attitude of the court in this regard.

8. *The Applicant's Moral Character:*

In addition to the educational requirements described in the preceding section, the applicant will also be questioned with regard to his moral character and record. To support his testimony he must have two witnesses present. Under the naturalization law the applicant must satisfy the court that during the five-year period preceding the filing of petition for naturalization he has behaved as a man of good moral character. This must be done before the alien can be admitted to citizenship. Just what the term "good moral character" means rests largely with the interpretation placed on it by the judge of the examining court. There is a wide difference in the construction which judges place on it. Some are quite lenient; others are very strict. It may be stated, however, with a fair degree of certainty that the alien who has been arrested and convicted of a felony or a misdemeanor which involves corrupt morals (*moral turpi-*

tude) within the specified five-year period will not be admitted to citizenship. This does not imply that citizenship is forever denied him; if it is shown that he has been guilty of a crime or misdemeanor it may mean merely that he will have to wait until he can produce a five-year record of good behavior. Some courts, however, refuse citizenship to the applicant who has violated the Volstead Act—the national prohibition laws.

9. *Witnesses:*

Two witnesses to support his petition will be needed by the applicant. These must be American citizens and persons of good character. If they are citizens by naturalization, they should bring with them their certificates as proof of their citizenship. It is important that the characters of both be beyond reproach, because if it is found later that either of the two are not reputable, the applicant's petition will be dismissed and he will be required to file a new petition.

If the applicant has spent his five-year period in one state, the witnesses must have known him through the entire period and must have seen him at frequent intervals during that time. The alien should inform himself as to what attitude is taken by the court in which he applies on the matter of near relatives serving as witnesses. In some courts this is not permitted, but in others any person who can meet the requirements named above may serve.

10. *Extra Witnesses:*

Occasionally the applicant will need more than two witnesses. This need occurs when he has not lived for the full period of five years in the state where he filed his petition, and is generally filed through the medium of *depositions*. For example, if the alien applies for citizenship in Chicago, Illinois, and has lived in Chicago for three years, but spent the other two years in New York City, he can bring witnesses to the examination to testify that he has lived three years in Chicago, and from his witnesses in New York City he can secure depositions—sworn written statements—as to the period he spent in that place. However, if the two places of residence are in the same state, he can receive his citizenship only if he can furnish two witnesses who can testify as to the period he spent in both places. For instance, if he lived the last two years in St. Louis, Missouri, and then took up a second residence in Kansas City, Missouri, a deposition from witnesses in St. Louis will not serve, but he must have witnesses from both places to testify.

Also, if the applicant has not lived for the full five-year period in the state in which he is filing his petition, his witnesses must be able to swear that, to their personal knowledge, he has lived the required time of one year within the state. For proof of his residence in any other state he may have the same witnesses testify, or he may bring other witnesses, or he may submit the depositions described above.

The naturalization examiner, or the clerk of the court, will furnish the special form on which the depositions must be made.

11. *The Purpose of Witnesses:*

Witnesses are necessary for the first time at the preliminary hearing. There they are expected to testify that to their personal knowledge the applicant has been a resident of the United States and of the state wherein the application is filed for the period of his residence (this must be at least one year immediately preceding the date of filing). In addition to this they must be able to offer testimony as to the applicant's good moral character and as to his fitness to become a United States citizen.

12. *Miscellaneous Points:*

Besides examining the applicant on his knowledge of the English language, United States history and government, and the other points which have been described, and in addition to hearing the testimony of the witnesses, the naturalization examiner will make a careful verification of other points. He will make sure that all the information in the declaration of intention is correct. In case it is found to be invalid—see Chapter I, Sections 10 and 11—a new declaration of intention must be filed and a two-year period must ensue before another petition for naturalization can be filed.

13. *The Requirement of Continuous Residence:*

The applicant is required to have "resided continuously within the United States for at least five years immediately preceding the

date on which his petition is filed," and the examiner is careful to find whether this requirement has been filled. This regulation, however, is not so fixed as it may appear on the face of it. An alien who has been out of the United States in that five-year period is not held to have violated the requirement, but an absence from this country of more than six months is generally held as a violation of the "continuous residence" requirement. At times, however, aliens who have spent as much as a year outside this country during the period are granted their citizenship. In most cases the naturalization examiner will advise about this. If, in his opinion, the applicant cannot prove continuous residence, he may tell him to postpone his application. But if the applicant wishes to have a judge make the decision in open court he will be permitted to go on and file his petition.

14. *Procedure After Successful Hearing:*

Should the naturalization examiner determine that the information given in the applicant's declaration is correct, if the applicant demonstrates that he can speak English and that he has a passing knowledge of American history and government, if it is shown that he is a person of good moral character and that he meets the several other requirements, the examiner will direct him, with his witnesses, to the clerk of the naturalization court. The clerk, using the information which the applicant has placed on the "Preliminary Form for Petition for Naturalization" (Form 2214), fills out for

him his petition for naturalization. The applicant then places his signature to it, and swears to its truth. Finally the two witnesses make sworn affidavits in support of the applicant's statements.

15. *Charges for Petition:*

A fee of four dollars must be paid to the clerk of the naturalization court for the filing of the petition.

16. *Procedure After Unsuccessful Hearing:*

The applicant may not be able to convince the examiner that he can speak English at the preliminary hearing; or he may be deficient in his knowledge of United States history and government. In this event, the examiner will advise more study, and tell him to return when he feels that he can pass the examination. If the declaration of intention is found to be invalid, the examiner will tell the applicant, and advise him not to file a petition for naturalization.

CHAPTER III

THE FINAL EXAMINATION

1. *Public Notice:*

Soon after the applicant has filed his petition for naturalization a notice announcing the fact is posted by the clerk in some conspicuous place—usually in his office. This public notice carries the name and residence of the alien, the date and place of his arrival in this country, and the names of his witnesses. This information remains posted for ninety days, during which period anyone who can give a valid reason for denial of citizenship to the applicant may report it to the clerk. When the ninety days are up, or as soon after as the court finds convenient, notification is sent the applicant and his witnesses to appear in court for the final examination. This may not be sent for some time after the ninety days have elapsed, since some courts have a large number of petitioners and have schedules set for final hearings. And a provision of the naturalization law is that "no person shall be naturalized nor shall any certificate of naturalization be issued by any court within thirty days preceding the holding of any general election within its territorial jurisdiction." So be patient if notification does not come immediately.

2. *The Final Examination in Open Court:*

When the applicant is notified he must appear on the date stated for his final hearing. This takes place before the judge in open court. Accompanied by his two witnesses, the applicant must stand an examination similar to that put up by the naturalization examiner. The applicant's petition and the affidavits of his two witnesses must satisfy the judge:

- i. That the "continuous residence requirement has been fulfilled.
- ii. That the applicant can speak English (unless physically unable, or unless he is exempt by virtue of having a homestead entry upon public lands of the United States).
- iii. That he believes in the principles of the Constitution of the United States, being neither an anarchist nor a polygamist.
- iv. That he has a knowledge of the fundamental facts of American history and government.
- v. That he is a person of good moral character and is qualified to be admitted a United States citizen, and
- vi. That his two witnesses are able to offer competent testimony as to the facts of his residence, his moral character, his belief in the Constitution of the United States and his fitness for American citizenship.

3. *Admission as a Citizen:*

If the personal examination in court satisfies the judge that all requirements have been met, the applicant will be administered the oath of allegiance to the United States:

I—(name of person)—, do solemnly declare on oath that I will absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state or sovereignty and particularly to —(name of sovereign)—of whom I have heretofore been a subject. That I will support and defend the Constitution and laws of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same, so help me God.

The court then issues final order admitting the alien to citizenship. A certificate of citizenship is issued the new citizen, sometimes immediately in the courtroom, sometimes after a few days' delay. There is no charge for the certificate.

4. *Continuance or Denial of Application:*

When the applicant fails to satisfy the judge on any of the above qualifications, either the hearing will be postponed or continued to another date, or the petition for citizenship will be denied. If some of the applicant's witnesses should fail to appear, for instance, or if the applicant himself cannot appear on the date set for the final hearing, or if the applicant fails to answer the questions on history and government, the court is likely to set a later date for the hearing, giving the applicant a

second chance. All these are minor considerations.

But if the applicant has failed to meet some of the requirements of the law his petition may be denied altogether. This decision as to whether the applicant is qualified to become an American citizen is largely left to the judge of the naturalization court.

5. *Final Hearing Witnesses:*

If it is possible to do so, the applicant should have the same witnesses who testified at his preliminary come to the final hearing. He must have two witnesses, at any rate. If the first cannot come, new witnesses may be used, but the naturalization examiner or the clerk of the court should be informed.

6. *New Procedure for Court Hearing:*

According to the naturalization law passed in June, 1926, the examination of the applicant and his two witnesses at the final hearing in a *federal court* may be omitted, provided the preliminary examination has been given by a naturalization examiner whom the judge of that court has appointed. This examiner, under the new procedure, is authorized to hear the testimony, subpoena witnesses and recommend that the petition either be granted, continued or denied. His recommendations, however, are subject to appeal, and the applicant has the right to demand an open court hearing if the outcome is unfavorable.

CHAPTER IV

THE APPLICANT'S FAMILY

1. *The Applicant's Children:*

Children who are born in the United States (and subject to the jurisdiction thereof) become citizens by birth. This provision applies to the children of aliens as well as to the children of citizens. Even though alien parents may themselves be ineligible to citizenship because of race, the children are potential citizens under this regulation.

Foreign born minors derive citizenship from their naturalized parents under the following conditions:

i. *Children living in the United States at the time the father is naturalized* become citizens if they are *under the age of 21 years* and have been legally admitted to this country for permanent residence. It does not matter whether the children are male or female, married or unmarried, they are affected alike by this ruling.

ii. *Children who have come to the United States after the father's naturalization* become American citizens if they are still under the age of 21 and are legally admitted to this country for permanent residence. If they are over 21 years of age at the time the father is naturalized, or if they are 21 years of age or over

when they are admitted to this country, they cannot derive citizenship through their naturalized parent.

iii. *Children who are born abroad after the father's naturalization* are American citizens. However, if the child or children remain abroad, in order to retain their American citizenship they must register at the American consulate at the age of 18, and they must take the oath of allegiance to the United States at the age of 21. Their children, however, cannot derive American citizenship from them unless their parents (that is, the children of the naturalized father) have at some time resided in the United States.

2. *The Naturalized Citizen's Step-Children:*

Under the Cable Act, on and after September 22, 1922, step-children no longer derive citizenship through their step-fathers. The child's citizenship must come through the naturalization of a living father. Or, after the father's death, the minor child may derive citizenship through the naturalization of its mother.

3. *The Naturalized Citizen's Adopted Children:*

A child cannot become a citizen of the United States through adoption.

4. *The Naturalized Citizen's Wife:*

Under the Cable Act, on and after September 22, 1922, the citizenship status of the applicant's wife is not changed when he is accepted a United States citizen. Before this law was

passed the naturalized citizen's wife automatically became a citizen at the time the husband was admitted. Nowadays every alien woman, married or unmarried, must go through the naturalization process in order to become citizens. This phase of naturalization is taken up in the following chapter.

CHAPTER V

NATURALIZATION OF WOMEN

1. *Unmarried Women:*

An unmarried woman follows exactly the the same naturalization process that is followed by a man.

2. *Married Women:*

As stated in Chapter IV, on and after September 22, 1922, marriage no longer has any affect on a woman's citizenship status. Just as a woman who is an American citizen does not lose her citizenship when she marries an alien, neither does a woman who is an alien and who marries or is married to an American citizen obtain citizenship through her husband.

3. *Alien Women under the Old Law:*

The Cable Act of September 22, 1922, did not affect the citizenship status acquired by women before it was made a law by Congress. Formerly any alien woman who was herself qualified to become a United States citizen and who married a citizen of this country became a citizen at the moment of the marriage. In a like manner the alien wife became a citizen at the time her husband was naturalized. Any alien woman who became a citizen before September 22, 1922, in either of the two ways just mentioned is unaffected by the new law.

4. *Present Procedure for Wife of an Alien:*

The procedure by which a woman married to an alien now acquires citizenship is the same as that which has been described for a man, provided that her husband is eligible to citizenship. (See Chapter VI, Section 8). Even though her husband remains an alien she may become naturalized through the regular process.

5. *Present Procedure for Alien Wife of a Citizen:*

Under the Cable Act the naturalization procedure for an alien woman who has married an American citizen, or an alien woman whose husband has been naturalized is greatly simplified. The procedure has been modified by two provisions:

i. The alien woman who is the wife of an American citizen does not have to take out first papers (declaration of intention).

ii. She does not have to fulfill the five-year continuous residence requirement. As soon as she has lived in this country continuously for one year she can file her petition for naturalization. With this petition proof must be submitted that her husband is an American citizen.

Otherwise the requirements are the same as those described for men in Chapters II and III.

6. *How an American Woman Loses Her Citizenship:*

When an American woman who has become the wife of an alien goes abroad and lives two

years continuously in the country of which her husband is a citizen or for five years continuously in any other foreign country, it is presumed that she has relinquished her American citizenship. However, on presentation of convincing evidence to a diplomatic or consular officer of the United States, this presumption may be overcome.

Under the Cable Act, on and after September 22, 1922, a woman who is an American citizen and who marries an alien does not lose her citizenship unless she renounces it formally, or unless her alien husband is ineligible to American citizenship. To renounce her citizenship the woman must appear before a naturalization court.

7. *How an American Woman Regains Citizenship:*

An American woman who lost her citizenship by marrying an alien before the Cable Act became a law, September 22, 1922, may regain it by following the procedure described in Section 4 of this chapter. No certificate of arrival is necessary before she files petition for naturalization, provided that she has resided in the United States since her marriage to the alien.

CHAPTER VI

SPECIAL CASES

1. *Aliens in the United States Service:*

When an alien is serving, or has served, in the United States land or sea forces the process of his naturalization is easier and much more simple. The United States service is divided into the following classifications.:

- i. The United States Army, regular or volunteer.
- ii. The National Army.
- iii. The National Guard or Naval Militia of any State, Territory or District of Columbia.
- iv. The State Militia in Federal Service.
- v. The United States Navy.
- vi. The United States Marine Corps.
- vii. Naval Auxiliary Service.
- viii. The United States Coast Guard.
- ix. Crew of a vessel of the United States Government.
- x. Crew of a merchant or fishing vessel of the United States of more than 20 tons.
- xi. Philippine Constabulary.

For aliens who are enlisted in, or who have seen service with, any of the forces listed above

there are special regulations in the matter of continuous residence, declaration of intention, certificate of arrival, and so on. Since the procedure and proof in these special cases vary widely for the different classifications, the alien who can claim special consideration in light of his service for the United States should advise either the Bureau of Naturalization or a naturalization agent as to his status. Through such a source he will be informed as to the regulations governing his particular case (See Section 4, Chapter VIII).

2. *Aliens who are American Veterans of the World War:*

The special privileges granted aliens who served with the United States military forces during the world war were discontinued, after being in force for several years, March 3, 1924. The Alien Veterans' Act, approved May 26, 1926, however, restored the privileges for two years. The following simplified naturalization process, in accordance with this act, will be effective until May 26, 1928.

Aliens who can meet the following requirements may be naturalized through the process specified by the Alien Veterans' Act:

- i. The alien must be eligible to American citizenship. (See Section 7 of this chapter).
- ii. The alien must have served in the American army, navy or marine corps at some time between April 5, 1917, and November 12, 1918.

- iii. The alien must have received an honorable discharge from this service.
- iv. The alien must not have been classified as a conscientious objector.
- v. He must not have been discharged from the service because of his alienage.

In addition to the above requirements, the alien veteran must be living in the United States at the time he files his petition for naturalization. As it has been stated in a preceding paragraph, his petition, to be governed by this act, must be filed before May 26, 1928, since this privilege becomes ineffective on this date.

The petition, to come under this ruling, must be filed in person, and the alien must take the oath of allegiance in open court. No declaration of intention and no certificate of arrival is required. Otherwise, the same process for naturalization that was in effect before the armistice, will apply.

3. *When Certificate of Arrival Cannot Be Secured:*

The naturalization law requires that any alien who entered this country after June 29, 1906, must procure a certificate of arrival. (See above section). This requirement has been upheld by the United States Supreme Court and is insurmountable. All aliens to whom it applies must meet with it. The certificate verifying arrival must be attached to and made a part of the petition for naturalization at the time it is filed. If such a verification of legal

admission cannot be secured the alien cannot be made a citizen. (See Chapter II, Section 4 and 5).

4. *Aliens Whose Families Are Living Abroad:*

The judges of some naturalization courts refuse to admit to citizenship aliens whose families are still in the old country. These courts are inclined to believe that the fact that the applicant's family has never come to the United States belies his statement that he intends to stay in this country permanently as the law requires. Or the court may withhold citizenship on the grounds that it would break up the family if the others could not or would not come to the United States to live with the father.

Some courts will require convincing evidence from the alien to show that he has been supporting his family, that his family desires to come to this country, and that he has provided them with means to come.

5. *Aliens Who Claimed Exemption from Military Service:*

When the United States entered the European war a number of aliens who were subjects of neutral nations claimed exemption from military service, and, in accordance with regulations set down by the President, some of them withdrew their declarations of intention in order to escape military service. An act of July 9, 1918, provides that these aliens forever be debarred from United States citizenship.

Other aliens claimed this exemption on the

ground that they were aliens. Some had not taken out their first papers, and others, while they had taken out first papers, did not cancel their declarations, but claimed exemption without that formality. Some courts, still benighted by war-time prejudices, still refuse such aliens citizenship, although there is no law debarring them. Requirements for applicants who fall in this class vary in different courts. The alien to whom this applies should seek information from his naturalization examiner.

6. *Widow and Minors of Declarant:*

In case a man who has filed a declaration of intention dies before he becomes a citizen, his wife and minor children may, by fulfilling the other requirements, waive the first papers and be naturalized.

7. *Homesteaders' Procedure:*

The United States government provides free land in certain sections of the country. Such land is obtained by what is called a homestead entry. As soon as an alien has taken out his first papers he may make an application to the General Land Office at Washington, D. C., for such an entry. The homesteader must become an American citizen, however, before he can acquire a clear title to the land.

The naturalization process is simplified for the alien homesteader. He is not required to speak English in order to be admitted a citizen.

Should a homesteader's petition for naturali-

zation be postponed or denied, it does not mean the loss of the entry. The General Land Office at Washington, D. C., must be notified and requested to permit the deferment of proof until the homesteader can complete his naturalization.

An alien who wishes to make a homestead entry should apply to the clerk of the court in which the declaration intention has been filed and secure a certified copy of the declaration (or, if a naturalized citizen, a certificate of citizenship) to be submitted with the application for a land entry. The original declaration of intention or the original certificate of citizenship must be presented to the clerk in order to get a certified copy.

8. *Ineligible Aliens:*

Certain aliens are racially ineligible to citizenship. Only "aliens being free white persons; and . . . aliens of African nativity and . . . persons of African descent" can be admitted. Chinese are declared by law to be ineligible to citizenship, and the Supreme Court decisions have held Japanese, Hindoos and Filipinos ineligible. Under the following conditions, however, a Filipino may be naturalized: "Any native-born Filipino of the age of twenty-one years and upward who has declared his intention to become a citizen of the United States and who has enlisted or may hereafter enlist in the United States Navy or Marine Corps or the Naval Auxiliary Service, and who, after service of not less than three years, may be

honorably discharged therefrom, or who may receive an ordinary discharge with recommendation for re-enlistment" (*7th Subdivision, Section 4, Act of June 29, 1906, as amended by the Act of May 9, 1918*).

CHAPTER VII

HOW CITIZENSHIP MAY BE LOST

1. *By Cancellation:*

(1) Should it be discovered, after an alien has been naturalized, that he secured his citizenship through fraud, or by any other illegal means, the United States Government, proceeding through the Department of Justice, may bring suit to have his citizenship certificate canceled. Although the naturalized alien may have had no thought of becoming a citizen by illegal means, some important step in the naturalization procedure may have been omitted without his knowledge, and if such is the case his certificate is liable to cancellation. If the naturalized alien has knowingly made false statements, and thus has secured his citizenship by fraud, his certificate of citizenship is liable to cancellation. The requirements as to five-year continuous residence and substantial proof of good moral character must be strictly complied with. It is also important that the applicant's witnesses give expert testimony. Courts have canceled certificates of citizenship because the applicant's witnesses were found later not to have actual personal knowledge as to his residence and character for the entire period.

(2) Should a naturalized citizen return to his native country within five years after his

naturalization, or should he remove to any foreign country, and take up a permanent residence there, it will be taken as *prima facie* evidence that he did not intend to become a permanent resident of the United States at the time he petitioned for and was granted citizenship. Therefore it will be considered that the certificate of citizenship was procured by fraud, and, there being no evidence to the contrary, that certificate will be canceled. But this regulation applies only to naturalized citizens who take up their residence in another country within five years after being admitted as citizens.

2. *By Expatriation:*

(1) A similar provision of the law is applicable to the remainder of the naturalized citizen's life. This holds that if any naturalized citizen leaves the United States and resides for two years in the country from which he came, or for five years in any other foreign country it is to be presumed that he has ceased to be a citizen of the United States. While this does not mean that the naturalized citizen loses his citizenship automatically in such a case, it does imply that United States ambassadors, consuls, immigration authorities and other American officials are justified in considering that he has relinquished his American citizenship, and that if such is not his intention, he must offer convincing proof that it is not, and that he has not abandoned his citizenship.

(2) As mentioned in Chapter V, Section 6, under the same conditions a woman citizen who

has married an alien since September 22, 1922, and who has gone abroad to like country is presumed to have expatriated herself in the same manner.

(3) An American citizen, whether citizen by birth or by naturalization, expatriates himself if he becomes naturalized in any foreign state. By the same token he loses his citizenship if he takes an oath of allegiance to any foreign state. This is to be said particularly of military service in a foreign state. Usually the oath that is required in connection with military service—although it may carry with it nothing of naturalization in the foreign state—serves to expatriate the citizen.

(4) When the United States is at war no American citizen is allowed to expatriate himself.

CHAPTER VIII

NOTES ON NATURALIZATION

1. *Papers Lost or Destroyed:*

When papers, either the alien's copy of his declaration of intention, or his certificate of citizenship, are lost or destroyed a duplicate may be obtained by applying to the clerk of the naturalization court. He will supply forms for the application, and the alien must furnish proof that the papers have either been lost or destroyed.

2. *Naturalization Fees:*

There are two fees which the alien must pay in the process of naturalization. These make a total of five dollars: a fee for the declaration of intention, one dollar, and the fee for making and filing the petition for naturalization, four dollars. Both fees are paid to the naturalization clerk at the time he issues the papers. Also the applicant must bear any expenses which may occur in connection with bringing his witnesses to court and with having the depositions made.

3. *Change of Name:*

The alien may wish to alter or change entirely his patronymic when he becomes an American citizen. If such is his desire the change should be included in his petition for naturalization. A space is provided for this

purpose. The naturalization court has the authority to make the change as a part of the process. The certificate of citizenship issued will bear the applicant's new name.

4. *Additional Information:*

For additional information on any matter relating to naturalization the alien may apply to the clerk of the naturalization court or to one of the United States naturalization examiners. Inquiries, either in English or other language may also be addressed to the Department of Labor at Washington, D. C. There they will receive careful attention. The Foreign Language Information Service, 222 Fourth Avenue, New York City also maintains a bureau for the aid of immigrants.

CHAPTER IX

LIST OF NATURALIZATION OFFICES

(City, Official in Charge, Address)

Alabama:

Birmingham. District Director of Naturalization, New Post Office Building.

California:

Los Angeles. District Director of Naturalization, Post Office Building.

San Francisco. District Director of Naturalization, Post Office Building.

Colorado:

Denver. District Director of Naturalization, Post Office Building.

Connecticut:

New Haven. Head Naturalization Examiner, Post Office Building.

District of Columbia:

Washington. District Director of Naturalization, Department of Labor Building.

Illinois:

Chicago. District Director of Naturalization, Post Office Building.

Louisiana:

New Orleans. District Director of Naturalization, Post Office Building.

Massachusetts:

District Director of Naturalization, Post Office Building.

Michigan:

Detroit. District Director of Naturalization, Post Office Building.

Minnesota:

Duluth. Head Naturalization Examiner, U. S. Custom House.

St. Paul. District Director of Naturalization, Post Office Building.

Missouri:

Kansas City. District Director of Naturalization, Post Office Building.

St. Louis. District Director of Naturalization, U. S. Custom House.

Nebraska:

Omaha. District Director of Naturalization, Post Office Building.

New Jersey:

Newark. Head Naturalization Examiner, Old Post Office Building.

New York:

Buffalo. District Director of Naturalization, Post Office Building.

New York City. District Director of Naturalization, Suite 1913, Tribune Building, 154 Nassau Street.

Utica. Head Naturalization Examiner, Post Office Building.

Oregon:

Portland. District Director of Naturalization. New Post Office Building.

Ohio:

Cincinnati. District Director of Naturalization, Post Office Building.

Cleveland. District Director of Naturalization, Post Office Building.

Pennsylvania:

Philadelphia. District Director of Naturalization, Post Office Building.

Pittsburgh. District Director of Naturalization, Post Office Building.

Texas:

Fort Worth. District Director of Naturalization, Post Office Building.

Utah:

Salt Lake City. District Director of Naturalization, Post Office Building.

Washington:

Seattle. District Director of Naturalization, Post Office Building.

CHAPTER X

QUESTIONS AND ANSWERS

Nearly every community of any size in the United States conducts evening classes for the purpose of teaching the immigrant English and the fundamental facts of American history and government. Since the alien must have a knowledge of these things before he can be admitted to citizenship, he will do well to find out where these classes are being held and attend one regularly for some time before he has his preliminary hearing. If there are any such classes in the applicant's community information about them may be secured at a public school.

The following questions are merely examples of what the naturalization examiner may ask the applicant. They should not be memorized, because there is no likelihood of these same questions being asked. But the person who can make a passing average with his answers to these questions in all probability will have no trouble in passing the preliminary and final examinations, so far as the educational phase is concerned.

FORM OF GOVERNMENT

Q. What form of government has the United States?

A. A republican form of government.

Q. Distinguish between a republic and a monarchy.

A. A republic is a country in which the head of the government (usually called the President) is elected; a monarchy is a country in which the head of the government (a King or a Kaiser or a Czar) comes to his office by inheritance.

Q. With whom in the United States does the ultimate power and authority rest?

A. With the people.

Q. How do the people rule?

A. Through their chosen representatives.

Q. What is the name for this type of government?

A. A democracy.

THE CONSTITUTION

Q. By what fundamental law is the government of the United States determined?

A. The Constitution of the United States.

Q. What is the Constitution?

A. It is the supreme law of the United States; it outlines the framework of the national government; it defines the authority of

the various governmental departments; it guarantees certain rights to citizens; it establishes the relationships between the state and national governments.

Q. Can the Constitution be amended?

A. Yes.

Q. How can the Constitution be amended?

A. The amendment must be proposed by a two-thirds majority of both houses of Congress, and ratified by three-fourths of the States.

Q. How many amendments has the Constitution now?

A. Nineteen.

THE FEDERAL AND STATE GOVERNMENTS

Q. What is meant by "the national government"?

A. The government of the nation as a whole.

Q. What are the main divisions into which the nation is divided.

A. The divisions are called states—for example, the State of Illinois the State of Iowa, the State of Wyoming, etc.

Q. Do the national and state governments ever conflict with each other?

A. No. The national government has certain powers and the state governments have certain powers. The Constitution defines these. When a matter concerns the nation as a whole it is

governed by the national law; when it concerns the State alone it is subject to the laws of the State.

Q. Name some of the powers of the national government.

A. It provides for the national defense, it makes treaties and conducts relations with other countries, it regulates commerce, coins money, establishes post offices.

Q. Name some of the powers of the state governments.

A. They provide schools, protect life and property, regulate business and working conditions.

Q. By what other name is the national government called?

A. The federal government.

Q. Why is it called the federal government?

A. Because it is made up of a union or *federation* of states.

Q. Of how many states is the United States composed?

A. The United States is composed of 48 states.

Q. Has this always been the number of states in the United States?

A. No. Originally there were thirteen states—formed from the thirteen original English colonies.

Q. What were the thirteen original states?

A. New York, Pennsylvania, Massachusetts, New Hampshire, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

THE THREE BRANCHES OF THE FEDERAL GOVERNMENT

Q. What are the three branches of the federal government?

A. (1) Congress, the legislative branch, which makes the laws. (2) The President, the executive branch, which carries out the laws. (3) The Supreme Court, the judicial branch, which interprets the laws.

Q. Of how many parts is Congress composed?

A. Two: the Senate and the House of Representatives.

Q. How many Senators are elected from each state?

A. Two.

Q. How are the Senators elected?

A. By a direct vote of the people of the state.

Q. For how long a term is a Senator elected?

A. For six years.

Q. How is the number of Representatives from each state determined?

A. According to population.

Q. For how long a term is a member of the House of Representatives elected?

A. For two years.

Q. What is the duty of Congress?

A. To make all national laws.

Q. How does Congress make a law?

A. The proposed law, known as a bill, must first be passed by a majority vote by both the Senate and the House of Representatives. It must then be approved and signed by the President. If the President disapproves of the bill and vetoes it, it may again be reconsidered by Congress, and if it is passed again by a two-thirds vote it becomes a law.

THE EXECUTIVE BRANCH

Q. Who is at the head of the United States Government and the chief executive of the nation?

A. The President.

Q. What are the most important duties of the President?

A. (1) To see that federal laws are faithfully executed. (2) To advise Congress when he thinks new laws are needed. (3) To make treaties and represent the United States in its relations with other nations; and (4) To command the army and navy (this power he usually delegates to military and naval officers).

Q. Who may become President?

A. Any native-born citizen who is at least

thirty-five years of age and who has been at least fourteen years a resident within the United States.

Q. May an alien or naturalized citizen become President?

A. No.

Q. How is the President of the United States elected?

A. He is elected by the people, through electors.

Q. Who are the electors?

A. They are the representatives elected by the people in each state. They vote for President as the people of each state decide.

Q. For how long a period is the President elected?

A. For four years.

Q. What is the Cabinet?

A. The heads of the ten executive departments of the government, appointed by the President.

Q. Who are these ten officials?

A. The Secretary of State, Secretary of Treasury, Secretary of War, Attorney General, Postmaster General, Secretary of Navy, Secretary of the Interior, Secretary of Agriculture, Secretary of Commerce, and Secretary of Labor.

Q. What does the cabinet do?

A. It advises with the President and assists him in carrying on the work by the government.

Q. If the President dies or is removed from office by impeachment, who takes his place?

A. The Vice-President of the United States.

Q. What is the highest court of the United States?

A. The Supreme Court.

Q. How many members has the Supreme Court?

A. One Chief Justice and eight associate justices.

Q. What are the duties of the Supreme Court and other courts of the United States?

A. To decide disputes, punish all persons breaking the laws of the United States, and to tell what any law, about which there is doubt, means.

Q. Has the Supreme Court any other duty?

A. Yes. It decides whether any law is in accordance with the Constitution.

STATE GOVERNMENTS

Q. What does the state constitution do?

A. It tells how the state is to be governed. It cannot conflict with the United States Constitution.

Q. Who makes the state laws in each state?

A. The State Legislature.

Q. How are the members of the State Legislature elected?

A. Directly by the people.

Q. Who is the chief executive in each state?

A. The Governor.

LOCAL GOVERNMENTS

Q. What is the most common type of local government?

A. City government.

Q. Who is the head and chief executive of the city government?

A. The mayor.

Q. Name some departments of the city government.

A. The health department, education department, police department, water department, fire department, street cleaning department.

Q. What other forms of local government are there?

A. The township and county.

AMERICAN HISTORY

Q. Who discovered America? When?

A. Christopher Columbus in 1492.

Q. What is the Declaration of Independence?

A. It is the document in which the thirteen

original colonies declared their independence from Great Britain.

Q. When and where was the Declaration of Independence signed?

A. July 4, 1776, Independence Hall, Philadelphia.

Q. When did the American Revolution begin?

A. 1775.

Q. Who was the first President?

A. George Washington.

Q. When did the Civil War begin? When did it end?

A. Began in 1861 and ended in 1865.

Q. Who was President during the Civil War?

A. Abraham Lincoln.

Q. When did the United States declare war against Germany in the European War?

A. April 6, 1917.

GENERAL QUESTIONS

Q. What is the capital of the United States?

A. Washington, D. C.

Q. What is an anarchist?

A. An anarchist is a person who does not believe in organized government.

Q. What is a polygamist?

A. A polygamist is a person who believes in marriage with more than one husband or wife at the same time.

- Q. Who is President of the United States?
- Q. Who is the Governor of your State?
- Q. What is the capital of your State?
- Q. Who is the mayor of your city?

